IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4318 of 1994

Between:

1 Dendi Yadamma W/o.Raji Reddy
Gollapally village H/o.Kurmedu Village
Chinthapally Mandal Nalgonda District
2 Dendi Narsi Reddy S/o.Raji Reddy
Gollapally village H/o.Kurmedu Village
Chinthapally Mandal Nalgonda District

.... PETITIONERS

AND

1 Dendi Kondal Reddy S/o.Govinda Reddy
R/o.Gollapally Village H/o.Kurmedu Village
Chinthapally Mandal Nalgonda District
2 The Joint Collector Nalgonda
3 The Revenue Divisional Officer Miryalaguda, Nalgonda Dist
4 The Mandal Revenue Officer Chinthapally Mandal
Nalgonda District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to quash the order Dt.21/2/94 in proceedings No.C3/JC/ROR/15/92 passed respondent No.2 confirming the order Dt.23/2/92 in proceedings No.J/4932/91 passed by respondent No.3 confirming the issuance of certificate in proceedings ROR.515/89, Dt.1/2/91 passed by respondent No.4 by issue writ of certiorari or any other appropriate writ order or direction and further direct respondent No.4 to continue the name of the petitions in pattedar and possessor columns of Revenue records prepared under A.P. Records of Rights in land pattedar pass book Act or pass any other appropriate orders in the interest of justice.

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for Respondent no.1: Mr K.Ramakrishna Reddy

Counsel for the Respondent Nos 2 TO 4.: GP FOR REVENUE

The Court made the following:

ORDER:

Heard both sides.

The only grievance of the petitioner in this Writ Petition is that the primary Authority viz. respondent No.4 herein while issuing the certificate in favour of the first respondent in respect of the land in question, no notice has been given nor any opportunity was given to the petitioner and the entire proceedings are one sided.

Though, the petitioner has filed appeal and also a further revision, this aspect has not been gone into nor there is any answer to the factum of absence of notice to the petitioner.

Having considered submissions made and also on perusal of material, it is seen that neither of the proceedings show that there was any such notice or opportunity was given to the petitioner, especially, before the primary authority viz respondent No.4 before issuance of certificate. There cannot be any dispute that as per the provisions of the A.P. Records of Rights Act, 1971 and the rules made there under the notice is mandatory and an opportunity has to be provided especially where the persons are objecting in respect of the very same.

In the circumstances of the case, the impugned orders are set aside, the matter is remitted back to the respondent No.4 for fresh enquiry to dispose of the matter on merits after giving notice and opportunity to both sides.

Accordingly, the writ petition is allowed. No costs.

02-09-2004

kvrm/skmr

That Rule Nisi has been made absolute as above.

Witness the Hon”ble Sri Devinder Gupta, the Chief Justice on this Thursday, the second day of September two thousand and four.

TO

1. The Joint Collector Nalgonda
2. The Revenue Divisional Officer Miryalaguda, Nalgonda Dist
3 The Mandal Revenue Officer Chinthapally Mandal
Nalgonda District

4. 2 CC to GP for revenue

5. 2 CD copies.